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PATENT
ATTORNEY DOCKET NO.: 040894-7382

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Futoshi KAMEDA)	Confirmation No.: 5113
)	
Application No.: 10/566,583)	Group Art Unit: 3721
)	
Filed: January 31, 2006)	Examiner: Candace E. Brakewood
)	
For: STAPLER HAVING A STAPLE		
SUPPORT SURFACE ON A PUSHER		
(as amended)		

Commissioner for Patents
Customer Window, **Mail Stop AF**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response to Office Action dated March 1, 2007.
2. Additional papers enclosed:
 - ☐ Terminal Disclaimer
 - ☐ Drawings:
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ references included
 - ☐ Citations

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$0.00.

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	5	minus	20	0	x \$50 each=	+ \$00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	1	x \$200 each=	+ \$00
[] First presentation of Multiple dependent claim(s)					\$360.00	+ \$
SUB-TOTAL =						\$00
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$00


6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to charge ____ to Deposit Account 50-0310 for the extra independent claim fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: May 21, 2007

By: 
 Kent Basson
 Registration No. 48,125

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 Washington, D.C. 20004
 202.739.3000



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Sir:

RESPONSE UNDER 37 C.F.R. § 1.116

In response to the Final Office Action dated March 1, 2007, the period for response to which extends through June 1, 2007, and pursuant to 37 C.F.R. § 1.116, entry of the following amendment is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal.